IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2750 OF 2007

Jayanti Shevale .... Petitioner

versus

Cine Costume Make-up Artists
& Hair Dressers Association and ors.... Respondent.

Shri D.N.Mandavia for the petitioner
Shri G.B.Talreja for the respondents 1 to 3.

CORAM; A.P. DESHPANDE, J.
DATED; 18TH APRIL, 2007

P.C.;

1. The present petitioner is the original complainant before the Industrial Court whose application, moved at Exh.U-2 claiming interim relief, has been rejected. It appears from the record that the petitioner/complainant had objected to their expelsion from the union and by way of interim relief the petitioner had sought altogether different relief in the nature of stay of execution proceeding and/or the consequential auction of the property of the opponent no.4 who is a builder. An arbitraral award was passed in favour of the respondent no.1 trade union and against the respondent no.4. The arbitraral award was challenged by respondent no.4 herein but the challenge has failed right upto Supreme Court and the property of the respondent no.4 has been put to auction in

execution of the arbitraral award. The property of respondent no.4 is to be sold in execution of the award and the auction is to be held tomorrow. The present petitioners are expelled members of the union and they moved an application Exh.U-2 before the Industrial court seeking stay of auction in execution of an award. The Industrial court has rejected the said application by observing that no primafacie case is made out for grant of interim relief. I have no iota of doubt that the application moved before the Industrial court seeking stay of auction in execution of arbitraral award is a misconceived application and the same has been rightly rejected by the Industrial court. There is no merit in the petition and the same is summarily rejected.

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